



Docket No.: UMY-034
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Stevenson Mario *et al.*

Application No.: 10/722,689

Confirmation No.: 3913

Filed: November 24, 2003

Art Unit: 1635

For: MODULATION OF HIV REPLICATION BY
RNA INTERFERENCE

Examiner: Schnizer, Richard A.

**DECLARATION OF MARIO STEVENSON AND JEAN-MARC JACQUE UNDER
37 C.F.R. §1.131**

We, Mario Stevenson and Jean-Marc Jacque, state and declare the following:

1. We are co-inventors of the above-identified patent application.
2. This Declaration is submitted as evidence that the subject matter claimed in the above-identified application was invented prior to May 29, 2002.
3. We co-authored a manuscript together with Karine Triques which was published as Jacque et al., *Nature*, 418: 435-438 (2002) on July 25, 2002 (referred to herein as the "Jacque et al. publication"). A copy of the Jacque et al. publication is attached hereto as Exhibit A.
4. A draft manuscript of the Jacque et al. publication was received by the journal *Nature* on March 25, 2002. The draft manuscript was then submitted to several referees for editorial review.
5. After March 25, 2002 and prior to May 29, 2002, further revisions were made to the draft manuscript. A revised manuscript was prepared prior to May 29, 2002. A final draft of the revised manuscript was accepted for publication on June 7, 2002.
6. The revised manuscript prepared prior to May 29, 2002 is substantially the same as the published manuscript. In particular, Figures 1-3 of the revised manuscript and their accompanying description are substantially the same as Figures 1-3 of the Jacque et al. publication and their accompanying description.

7. Figure 1 of the revised Jacque et al. manuscript and its accompanying description demonstrates that siRNAs of the invention inhibit late events in HIV replication by promoting degradation of HIV-1 RNA.
8. Figure 2 of the revised Jacque et al. manuscript and its accompanying description demonstrates that siRNAs of the invention block early events in HIV replication by promoting degradation of genomic HIV RNA.
9. Figure 3 of the revised Jacque et al. manuscript and its accompanying description demonstrates that siRNAs of the invention derived from plasmid DNA templates also effectively inhibit HIV replication.
10. Figures 1-3 of the revised Jacque et al. manuscript and their accompanying description accurately describe the invention we made prior to May 29, 2002 and provide support for currently pending claims in the above-identified application.
11. Accordingly, this Declaration establishes a date of invention for the above-identified application at least as early as May 29, 2002.

We, the undersigned, declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document and any patent which may issue from the above-identified patent application.

Mario Stevenson

Dr. Mario Stevenson

7-11-07

Date

Dr. Jean-Marc Jacque

Date



Docket No.: UMY-034
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Stevenson Mario *et al.*

Application No.: 10/722,689

Confirmation No.: 3913

Filed: November 24, 2003

Art Unit: 1635

For: MODULATION OF HIV REPLICATION BY
RNA INTERFERENCE

Examiner: Schnizer, Richard A.

**DECLARATION OF MARIO STEVENSON AND JEAN-MARC JACQUE UNDER
37 C.F.R. §1.131**

We, Mario Stevenson and Jean-Marc Jacque, state and declare the following:

1. We are co-inventors of the above-identified patent application.
2. This Declaration is submitted as evidence that the subject matter claimed in the above-identified application was invented prior to May 29, 2002.
3. We co-authored a manuscript together with Karine Triques which was published as Jacque et al., *Nature*, 418: 435-438 (2002) on July 25, 2002 (referred to herein as the "Jacque et al. publication"). A copy of the Jacque et al. publication is attached hereto as Exhibit A.
4. A draft manuscript of the Jacque et al. publication was received by the journal *Nature* on March 25, 2002. The draft manuscript was then submitted to several referees for editorial review.
5. After March 25, 2002 and prior to May 29, 2002, further revisions were made to the draft manuscript. A revised manuscript was prepared prior to May 29, 2002. A final draft of the revised manuscript was accepted for publication on June 7, 2002.
6. The revised manuscript prepared prior to May 29, 2002 is substantially the same as the published manuscript. In particular, Figures 1-3 of the revised manuscript and their accompanying description are substantially the same as Figures 1-3 of the Jacque et al. publication and their accompanying description.

7. Figure 1 of the revised Jacque et al. manuscript and its accompanying description demonstrates that siRNAs of the invention inhibit late events in HIV replication by promoting degradation of HIV-1 RNA.
8. Figure 2 of the revised Jacque et al. manuscript and its accompanying description demonstrates that siRNAs of the invention block early events in HIV replication by promoting degradation of genomic HIV RNA.
9. Figure 3 of the revised Jacque et al. manuscript and its accompanying description demonstrates that siRNAs of the invention derived from plasmid DNA templates also effectively inhibit HIV replication.
10. Figures 1-3 of the revised Jacque et al. manuscript and their accompanying description accurately describe the invention we made prior to May 29, 2002 and provide support for currently pending claims in the above-identified application.
11. Accordingly, this Declaration establishes a date of invention for the above-identified application at least as early as May 29, 2002.

We, the undersigned, declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document and any patent which may issue from the above-identified patent application.

Dr. Mario Stevenson

Date



Dr. Jean-Marc Jacque

July 13, 2007

Date